

REMARKS

These remarks are directed to the office action mailed March 7, 2008, setting a three month shortened statutory period for response which expired on June 7, 2008. A three month extension request and required fee authorization accompanies this amendment to reset the period so as to expire on September 7, 2008. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter. Claims 11-17 have been added. Claims 1-3, 9, 11-17 are currently pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3 and 9 have been rejected under 35 U.S.C. §103(a) as being obvious over WO 01/60590 in view of Radtke (4,640,854).

Applicant teaches a method of producing a sheet or tile **that effectively eliminates electrostatic charges**. Claim 1 recites “positioning a metal plate inside a pressing die...the metal plate having a structure comprising a series of cavities suitable for receiving the mixture of the components” and hardening the mixture such that “the components bond to the metal plate to form a single object with the sheet or tile.” As described in Applicant’s specification on page 5, lines 21-28 and page 8, lines 19-29, this ability to eliminate electrostatic charges prevents discharges from damaging equipment or affecting people that walk across the floor. New claim 13 recites a method for producing sheets or tiles that eliminate electrostatic charges.

The Examiner seems to be of the opinion that Applicant simply teaches a method of making a strong, light-weight flooring sheet. Applicant submits that though the strength and reduction of weight may be advantages achieved with Applicant’s method, the ability to eliminate electrostatic charges is a significant and non-obvious aspect. None of the cited references address or suggest the aspect of eliminating electrostatic charges from a tile.

Furthermore, combining the compression process of WO 01/60590 with the pan-shaped wrapper as taught by Radtke would not be successful. Though Radtke teaches a hardenable filler material 18, Radtke does not teach or suggest pressing and compacting the composite plate 10 to harden the material since the pan-shaped wrapper is not able to withstand such forces. Radtke describes in column 3, lines 47-49, that the pan-shaped wrapper may deform, simply “as a result of the weight of the filler material.” Due to the side walls 13 of the pan-shaped wrapper 11, compressing the composite plate 10 would apply forces directly on the side walls 13 which would significantly deform the pan-shaped wrapper 11 and subsequently deform the whole composite plate.

Additionally, Applicant recites in claim 3, “cutting to size, chamfering, gauging and flaring of these sheets or tiles.” Applicant’s method allows a large sheet to be manufactured and subsequently be cut to yield multiple **identical** tiles. Due to the side walls 13, Radtke’s pan-shaped wrapper 11 is of a predetermined size and **cannot be subsequently cut to form identical tiles or post-processed, such as being chamfered.**

Claims 1 and 14 recite a metal plate defined with “side walls between the top face and bottom face.” Claims 15-17 further clarify that the side walls do not extend past the top and/or bottom face. Furthermore, as supported in Figures 1 and 2, new claim 14 recites a method for the production of sheets or tiles wherein the top face of the metal plate “having a flat outer perimeter surrounding the series of cavities” is completely covered by the mixture. Radtke’s pan-shaped wrapper does not have a flat outer perimeter but rather a **vertical** side wall **that is not between a top face and bottom face.**

Applicant submits that none of the cited references teach or suggest all of the elements and limitations of independent claims 1, 13, and 14. Therefore, independent claims 1, 13, and 14 and the claims thereby dependent thereon are not obvious and are patentable under 35 USC §103. The Examiner is respectfully requested to reconsider and now withdraw the Examiner’s rejection.

Conclusion

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 058009-018700 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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